

**LAW OFFICE OF AMY JANE AGNEW, P.C.**

Hon. Loretta A. Preska  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St., Room 2220  
New York, NY 10007-1312

December 26, 2023

**VIA ECF**

Re: *Nunez v. Bentivegna, et al.*, 22-cv-5673  
***Request for Leave to Submit Exhibit Under Seal***

Dear Judge Preska:

I write on behalf of the Plaintiff to respectfully request leave to file an exhibit under seal in support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment. We will be filing tomorrow. An impeachment proof, DOCCS' Nurse Administrator Reference Manual, was produced to us with Attorney's Eyes Only designations in the Milburn matter and subsequently in another suit in the NDNY. I recall challenging the designations in the Milburn matter, but the parties never resolved the issues given the settlement of that suit. As the Court will see, there is little to no reason for the designations, but out of deference to my colleagues at the OAG, I would prefer to provide the document to the Court under seal for purposes of this motion. If the case proceeds to trial, I will motion the Court for other relief before submitting it as a judicial document. The document is an essential piece of impeachment evidence for several sworn statements made by Defendants in support of their summary judgment motions. With the Court's permission, we will email an unredacted version to chambers cc'ing Defendants' counsel at the time of filing.

As always, we thank the Court for its continuing courtesies.

Happiest of holidays,

/s/ **AJ Agnew**

Amy Jane Agnew, Esq.

Plaintiff may file under seal the unredacted version of the proposed exhibit. Plaintiff shall also email the unredacted exhibit to Chambers and Defendants' counsel.

SO ORDERED.

Dated: December 26, 2023

Cc: *Counsel for Defendants* (Via ECF)



LORETTA A. PRESKA, U.S.D.J.